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10/596,981	09/06/2006	Rainer Muller	A8423PCT-UT	3846
43749 7590 04/28/2009 CHRISTOPHER PARADIES, PH.D. FOWLER WHITE BOGGS BANKER, P.A. 501 E KENNEDY BLVD, STE. 1900 TAMPA, FL 33602				
EXAMINER				
GUGLIOTTA, NICOLE T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION**

***Response to Arguments***

1. "Applicant fails to understand the reference to a vehicle, because the claim is drawn to an aircraft" (Remarks, Pg 10).
2. Applicant is correct. The claims are drawn to an aircraft.
3. "Applicant notes "Humphries et al. fails to disclose, teach or suggest any of the limitations of claims 23 and 36 omitted by Fischer et al. and Heitkamp. How does vinyl damping sheet 80 address any of the limitations in claims 23 and 36?" (Remarks, Pg 10).
4. Examiner notes Applicant's claim limitations require "side by side honeycombs". Humphries discloses a dampening sheet of vinyl 80 separates honeycomb cores (corresponds to Applicant's "side by side honeycombs") (Col. 4, Lines 6 - 11).
5. "Applicant traverses the presumption that 'flame-and-fume resistant foil' means the same as 'burn-through-proof.' Burn-through-proof is defined in the specification as fireproof in paragraphs [0039] - [0041]. Fireproof is a term of art defined by the FAA as a standard requiring a sample to withstand exposure at 2000°F for 15 minutes and is contrasted to the term fire resistant, which only requires a sample to withstand 5 minutes exposure at 2000°F (1093°C)" (Remarks, Page 10).
6. Examiner has taken Applicant's arguments into consideration and respectfully disagrees. First, the FAA definitions for "fireproof" and "fire resistant" are specifically for

the application materials used in fire zone areas. Applicant's claims are drawn to the interior panel of an aircraft passenger cabin, which is not considered a fire zone according to the FAA. Applicant does not specifically note in their specification they are using the word "fireproof" according to this FAA definition for fire zone areas. Therefore, Examiner takes the broadest reasonable interpretation of the word "fireproof" to include the "flame-and-fume resistant foil", such as aluminum, as disclosed by Fischer et al.

7. Second, Examiner notes Fischer et al. disclose other foils, such as sheet steel foil, may be used instead of aluminum foil (Col. 3, Lines 56 - 59). According to the FAA definition of "fireproof" (15 minutes exposure at 2000°F), steel foils are "fireproof". Therefore, Fischer et al. suggests the use of a burn-through-proof foil, as defined by Applicant in their arguments.

8. Applicant argues, "A fair reading of Fischer et al. expressly teaches away from the arrangement of layers of claim 23. Specifically, the background of Fischer et al. teaches away from epoxy-filled, carbon fibre reinforced sandwich panels as used in the aeroplane industry, because 'epoxy resins do not meet these (extracting aeroplane industry) requirements,' for combustibility and density and toxicity of smoke" (Remarks, Pg 11).

9. First, in response to applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies (i.e., epoxy-filled, carbon fiber reinforced sandwich panels) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Second, Fischer et al. suggests the arrangement from the exterior surface as follows: phenol fiber reinforced layer, aluminum foil, epoxy fiber reinforced layer, honeycomb core (Col. 3, Lines 10 – 16). Clearly Fischer et al. does not teach against an epoxy layers, as the disclosure demonstrates the use of epoxy layers in the laminate.

11. Applicant argues, "...it is not an obvious design choice for a person having ordinary skill in the art to rearrange these surface layers of Fischer et al.

"No fair reading of Fischer et al. informs a person having ordinary skill in the art of any advantage of rearranging the layers, as suggested in the Office Action" (Remarks, Pg. 11).

12. Examiner's previous office action does not suggest the rearrangement of the layers disclosed by Fischer et al. Examiner rejects Applicant's claims based upon the arrangement of layers as presented by Fischer et al.

13. Applicant argues, "Absent the specific arrangement of layers taught by Fischer et al., no person[al] having ordinary skill in the art would expect structural (i.e., epoxy-resin-rich, as defined in Fischer et al.) carbon fibre layers to exhibit flame resistance as

cover layers for a honeycomb panel structure, because Fischer et al. expressly teaches away from exposing resin-rich carbon fibre layers to flame (Remarks, Pg 12).

14. Examiner has considered Applicant's arguments, but respectfully disagrees.

Fischer et al. teach the epoxy layer is present for the purpose of strength and the phenol layer meets the combustibility requirements for aeroplane panels (Col. 1, Lines 30 – 47). The disclosure of Fischer et al. satisfies the limitations of Applicant's claims.

15. Applicant argues that Heitkamp teaches away away from prior art structures such as Fischer et al.

16. Examiner has considered Applicant's arguments and respectfully disagrees.

Examiner directs Applicants to arguments made above in regard to the definition of "fireproof" and the suggestion by Fischer et al. to substitute aluminum foils with steel foils.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE T. GUGLIOTTA whose telephone number is (571)270-1552. The examiner can normally be reached on M - F 8:30 - 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/David R. Sample/  
Supervisory Patent Examiner, Art Unit 1794

NICOLE T. GUGLIOTTA  
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